

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUL 24 2006

at 2 o'clock and 16 min. M  
SUE BEITIA, CLERK

Attorneys for Plaintiff  
DAVID HOLZMAN

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

**DAVID HOLZMAN,**

Plaintiff,

vs.

**COMMERCIAL FORCED AIR, INC.,  
JOHN DOES 1-10, JANE DOES 1-10,  
DOE PARTNERSHIPS 1-10, DOE  
CORPORATIONS 1-10, DOE  
ENTITIES 1-10 and DOE  
GOVERNMENTAL UNITS 1-10,**

Defendants.

CIVIL NO. CV04 00009 SOM-KSC

PLAINTIFF'S SUPPLEMENTAL  
MEMORANDUM IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
SANCTIONS; DECLARATION OF  
DAVID HOLZMAN; EXHIBITS "A"  
- "J"; DECLARATION OF ROBERT  
M. YAMAUCHI; EXHIBIT "K";  
CERTIFICATE OF SERVICE

Motion Heard:

Date: June 26, 2006

Time: 9:30 a.m.

Judge: Honorable Kevin S. C. Chang

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

<b>DAVID HOLZMAN,</b>	)	CIVIL NO. CV04 00009 SOM-KSC
	)	
Plaintiff,	)	
	)	
vs.	)	PLAINTIFF'S MEMORANDUM IN
	)	SUPPORT OF PLAINTIFF'S
<b>COMMERCIAL FORCED AIR, INC.,</b>	)	MOTION FOR SANCTIONS
<b>JOHN DOES 1-10, JANE DOES 1-10,</b>	)	
<b>DOE PARTNERSHIPS 1-10, DOE</b>	)	
<b>CORPORATIONS 1-10, DOE</b>	)	
<b>ENTITIES 1-10 and DOE</b>	)	
<b>GOVERNMENTAL UNITS 1-10,</b>	)	
	)	
Defendants.	)	
_____	)	

PLAINTIFF'S SUPPLEMENTAL MEMORANDUM IN  
SUPPORT OF PLAINTIFF'S MOTION FOR SANCTIONS

This Supplemental Memorandum is offered by Plaintiff and Counterclaim Defendant DAVID HOLZMAN ("Plaintiff") in support of his Motion for Sanctions filed herein on May 5, 2006 (the "Motion"). As part of his support, Plaintiff incorporates by reference the arguments raised in the Motion and hereby submits the attached Declarations of David Holzman and Robert M. Yamauchi to establish the damages to be awarded to Plaintiff upon entry of default judgment against Defendant Commercial Forced Air, Inc. ("CFA").

Plaintiff requests that this Court sanction CFA for its repeated and continuing violations of the Court Orders (defined in the Motion) by dismissal of CFA's Counterclaim (defined in the Motion) with prejudice, by entry of default against CFA on Holzman's Complaint (defined in the Motion), and by awarding the following damages to Plaintiff:

Commissions	\$510,882.00
Attorneys' fees, GET, and costs	\$ 84,757.29
Mediation fee	\$ 1,000.00
Arbitration fee	\$ 4,400.00
Total damages	<u>\$601,042.29</u>

DATED: Honolulu, Hawaii, July 24, 2006.

MACDONALD RUDY BYRNS O'NEILL &  
YAMAUCHI, A LIMITED LIABILITY  
LAW PARTNERSHIP, LLP



ROBERT M. YAMAUCHI

Attorney for Plaintiff  
DAVID HOLZMAN